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Federal Communications Commission
Office of the Secretary

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**Office Of Engineering And Technology Declares The Robert Bosch, Gmbh Request For A Waiver
Of Part 15 Ultra-Wideband Rules For A Through-Wall Imaging Device To Be A "Permit-But-
Disclose" Proceeding For *Ex Parte* Purposes And Requests Comments**

ET Docket No. 10-253

Comment Date: January 18, 2011

Reply Comment Date: February 1, 2011

On November 15, 2010, Robert Bosch, GmbH ("Bosch") filed a request for a waiver of Sections 15.510(b) and/or 15.503(h) or (i) of the Commission's rules to permit the marketing, sale and operation of its ultra-wideband (UWB) imaging device ("imaging device") known as the "Wallscanner D-tect 150 Professional." Bosch states that this imaging device is for use by skilled professional workers in the building and construction trades, such as building inspection professionals and structural engineers, for detection of ferrous and non-ferrous metals, electric cables, wooden beams, plastic pipes and structural flaws within construction materials. The device is currently used in Europe, Canada and Asia.

Bosch seeks a waiver of the Commission's rules because its device does not satisfy the definitions or eligibility use restrictions for imaging systems in the UWB rules. Section 15.503(h) defines a "wall imaging system" as a "field disturbance sensor that is designed to detect the location of objects ...or to determine the physical properties within the 'wall' [which is a] physical structure that is dense enough and thick enough to absorb the majority of the signal transmitted by the imaging system." The rule expressly excludes "products such as 'stud locators' that are designed to locate objects behind...walls that are not capable of absorbing the transmitted signal." Bosch states that it may not necessarily be the case that a wall or other structure scanned by the Bosch device will be dense and thick enough to absorb the entirety of the transmitted radio signal; therefore, it will not necessarily meet this part of the definition. Bosch also states that its imaging device includes as one of its operating modes a "stud locator" function which would preclude its classification as a wall imaging system.

Section 15.503(i) defines a "through-wall imaging system" as "a field disturbance sensor that is designed to detect the location or movement of persons or objects that are located on the other side of an opaque structure such as a wall or...[including] products such as "stud locators" that are designed to locate objects behind ... walls that ...[do not] absorb the transmitted signal." Bosch states that, if its imaging device were classified as a "through-wall imaging system," its intended use would not comply with Section 15.510(b) which restricts the use of such systems to law enforcement, emergency rescue or fire fighting organizations that are under the authority of a local or state government.

In its waiver request, Bosch contends that its imaging device stands to substantially enhance, expedite and improve construction, inspection, and maintenance of buildings and transportation infrastructure in the

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United States and meets all technical requirements of the Commission's Part 15 rules applicable to UWB devices. Bosch requests that the Commission waive, for its "Wallscanner D-tect 15- Professional" and for functionally identical versions of that device, either (1) the requirement in Section 15.503(h) of the Commission's Rules applicable to wall imaging systems that requires that the walls measured be thick or dense enough in every case to absorb the majority of the RF energy on the far side of the wall being measured, and which exclude "stud locator" devices; or (2) the eligibility requirements for operation of a through-wall UWB device to permit the operation of the Wallscanner D-tect 150 Professional by those engaged commercially in the construction or building trades, and for building inspector and structural engineers in the United States.

The FCC's Office of Engineering and Technology (OET) is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Aamer Zain, Office of Engineering and Technology, Federal Communications Commission, Room 7-A110, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to aamer.zain@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Aamer Zain at (202) 418-2437.

By the Chief, Office of Engineering and Technology

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